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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,093	03/07/2001	Sylvia Y. Chen	CS10664	3925

20280 7590 10/03/2003

MOTOROLA INC
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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/801,093

Applicant(s)

CHEN ET AL.

Examiner

Jonathan Ouellette

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Claims 15-25 have been cancelled; therefore Claims 1-14 are now pending in application 09/801,093.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
3. Claims 7-10, 12, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Hall et al. (US 6,026,375).
4. As per independent Claim 7, Hall discloses a method of notification upon arrival at a predetermined location comprising the step of: receiving a first signal indicative of a first location of a first party (Abstract); **transmitting a second signal to a second party when the first location is equal to a first predetermined location** (C3 L34-40); and coordinating an activity at a second predetermined location based on the second signal (Abstract). (Abstract, Figs.6a-6c, C2 L49-61, C3 L34-54, C4 L32-39, Claims 1-21)
5. As per Claim 8, Hall discloses locating the first party to provide the first location (Abstract).

6. As per Claim 9, Hall discloses wherein the step of transmitting the second signal is triggered automatically (C3 L34-40).
7. As per Claim 10, Hall discloses wherein the step of transmitting the second signal is triggered manually by the first party (C3 L34-40).
8. As per Claim 12, Hall discloses wherein the second signal is programmed by the first party (Abstract).
9. As per Claim 14, Hall discloses wherein the second signal is specific only to the first party (Abstract).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
11. Claims 1-4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall in view of Hendrey et al. (US 2002/0107008 A1).
12. As per independent Claim 1, Hall discloses a method of coordinating an activity at a destination of a first party and a second party comprising the steps of: receiving a first signal indicative of a location of the first party, wherein the first signal is received at a central scheduling computer (Abstract); and creating a schedule to coordinate an activity

automatically at the destination based at least in part on the first signal (C2 L49-61).

(Abstract, Figs.6a-6c, C2 L49-61, C3 L34-54, C4 L32-39, Claims 1-21)

13. Hall fails to disclose receiving a second signal indicative of a location of the second party, wherein the second signal is received at the central scheduling computer.

14. Hendrey teaches receiving a second signal indicative of a location of the second party, wherein the second signal is received at the central scheduling computer (Para 69-71).

15. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included receiving a second signal indicative of a location of the second party, wherein the second signal is received at the central scheduling computer, as disclosed by Hendrey in the system disclosed by Hall, for the advantage of providing a method of coordinating an activity with the advantage of bringing together two mobile uses.

16. As per Claim 2, Hall and Hendrey disclose receiving at the central scheduling computer an update of the location of the first party; and updating the schedule automatically based on the update of the location of the first party (Hall: Claims 19-21).

17. As per Claim 3, Hall and Hendrey disclose estimating a time of arrival for at least one of the first party and the second part at the destination to provide estimates (Hall: C2 L49-61).

18. As per Claim 4, Hall and Hendrey disclose updating at least one of the estimated time of arrival of the first party and the estimated time of arrival of the second party (Hall: Claims 19-21).

19. As per Claim 6, Hall and Hendrey disclose wherein at least one of the first signal and the second signal is transmitted in response to a manual action by at least one of the first party and the second party respectively (Hall: Abstract).
20. Claim 5 is rejected under 35 U.S.C. 103 as being unpatentable over Hall and Hendrey.
21. As per Claim 5, neither Hall nor Hendrey expressly show wherein the second signal is one of a preprogrammed audio message, a preprogrammed video message and a preprogrammed text message.
22. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The method of coordinating an activity would be performed regardless of the type of signal used. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
23. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to send a preprogrammed audio message, a preprogrammed video message, or a preprogrammed text message as the second signal, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.
24. Claims 11 and 13 are rejected under 35 U.S.C. 103 as being unpatentable over Hall.
25. As per Claim 11, Hall does not expressly show wherein the second signal is one of a preprogrammed audio message, a preprogrammed video message and a preprogrammed text message.

26. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The method of coordinating an activity would be performed regardless of the type of signal used. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
27. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to send a preprogrammed audio message, a preprogrammed video message, or a preprogrammed text message as the second signal, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.
28. As per Claim 13, Hall does not expressly show wherein the first predetermined location is one of an address, an intersection, a threshold distance and a defined area.
29. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The method of coordinating an activity would be performed regardless of the type of predetermined location used. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
30. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an address, an intersection, a threshold distance, or a defined area as the first predetermined location, because such data does not functionally relate to

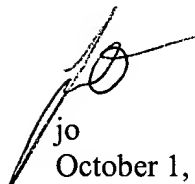
the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

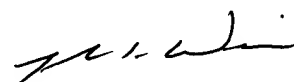
Response to Arguments

31. Applicant's arguments filed 7/29/2003, regarding Claims 1-14, have been fully considered but they are not persuasive. The rejection will remain as final, based on the cited prior art.
32. The Applicant makes the argument that the prior art (Hall in view of Hendrey) fails to teach or suggest "receiving a second signal indicative of a location of the second party, wherein the second signal is received at the central scheduling computer." However, further explaining the 103(a) rejection of Claim 1 made above, Hendrey does teach maintaining a current position information database, which is continually updated with user (TUs) locations (Hendrey: Para 0101), and Hendrey also discloses using location technology, such as GPS (Hendrey: Para 0069)
33. The Applicant also makes the argument that the prior art (Hall) fails to teach or suggest "transmitting a second signal to a second party when the first location is equal to a first predetermined location." However, further explaining the 102(b) rejection of Claim 7 made above, Hall discloses wherein the service provider receives the location (predetermined location) of the user and furthermore, transmits the order to the local facility (second party) and schedules the completion of the order to coincide with the users arrival at the local facility (Hall: C5 L20-30)

Conclusion

34. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
36. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.
37. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.


jo
October 1, 2003


JOHN G. WEISS
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